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RICHARD W. WILKINS
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA1 Michelle Jones
2 3623 Beckworth
3 Napa, California 94558

4 DEFENDANT IN PRO PER

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA9
10 ROBERT JONES,

11 Plaintiff,

12 v.
13 NAPA COUNTY POLICE DEPARTMENT,
14 et al.

15 Defendants.

16 Case No. CV-07-3054 JSW

17 **DEFENDANT MICHELLE JONES'
18 ANSWER TO PLAINTIFF'S
19 COMPLAINT**20 **DEMAND FOR JURY TRIAL**

21 Defendant Michelle Jones (defendant) hereby answers plaintiff's complaint as follows:

22 1. Defendant lacks knowledge and sufficient information to form a belief with respect
23 to the allegations set forth in paragraphs 1 and 2 of the complaint, and on that basis denies those
allegations.

24 2. Defendant admits the allegations set forth in paragraph 3 of the complaint.

25 3. Defendant does not understand the meaning of the allegations set forth in paragraph
26 4 of the complaint, and on that basis denies them.27 4. Defendant lacks knowledge and sufficient information to form a belief with respect
to the allegations set forth in paragraphs 5 and 6 of the complaint, and on that basis denies those
allegations.

28 5. Defendant admits the allegations set forth in paragraph 7 of the complaint.

6. Defendant lacks knowledge and sufficient information to form a belief with respect
to the allegations set forth in paragraphs 8, 9 and 10 of the complaint, and on that basis denies
those allegations.

7. Defendant denies the allegations set forth in paragraph 11 of the complaint.

1 8. Defendant lacks knowledge and sufficient information to form a belief with respect
2 to the allegations set forth in paragraph 12 of the complaint, and on that basis denies those
3 allegations.

4 9. Defendant denies the unnumbered allegations contained under the heading "Factual
5 Allegations."

6 10. Defendant denies the allegations contained in paragraphs 13 and 14 of the
7 complaint.

8 11. In response to the allegations contained in paragraphs 15 through 49, inclusive of
9 the complaint, plaintiff realleges the above denials.

FIRST AFFIRMATIVE DEFENSE

11 Plaintiff has failed to state a cause of action upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

13 Plaintiff's requested relief is barred by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

15 Plaintiff's harm, if any, was caused by his own actions, or by the actions of others

FOURTH AFFIRMATIVE DEFENSE

To the extent that plaintiff's federal claims are not cognizable or otherwise defective, this Court lacks jurisdiction over plaintiff's state claims.

FIFTH AFFIRMATIVE DEFENSE

Defendant Michelle Jones is not a state actor, and therefore cannot be liable under the 42 U.S.C. sect. 1983, Cal. Civ. Code sect. 52.1, or the United States or California Constitutions.

SIXTH AFFIRMATIVE DEFENSE

23 Defendant's statements to the police are absolutely privileged.

SEVENTH AFFIRMATIVE DEFENSE

25 Defendant's statements are protected by the First Amendment

EIGHTH AFFIRMATIVE DEFENSE

Because plaintiff's complaint is vexatious, malicious, and brought in bad faith, defendant has a right to recover her attorneys' fees.

NINTH AFFIRMATIVE DEFENSE

Defendant is not liable to plaintiff.

TENTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate his injuries.

ELEVENTH AFFIRMATIVE DEFENSE

Defendant's liability, if any, should be reduced by the amount plaintiff's harm was caused by others and/or plaintiff.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff was not harmed by any act or omission of plaintiff.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to plead his allegations with sufficient clarity and specificity to provide defendant with adequate notice of what she is being accused of.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff is immune because she was taking part in a police investigation.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's conduct is privileged under Civil Code section 47(c).

WHEREFORE, defendant prays for judgment as follows:

1. That plaintiff take nothing by his complaint;
 2. That defendant recover costs of suit and attorneys fees as provided by law;
 3. For all other relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

Defendant demands trial by jury.

Dated: September 9, 2008

Michelle Jones

Defendant In Pro Per